

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Santosh Prakash	Team: Squad #02	CCRB Case #: 201907280	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 08/15/2019 10:45 AM	Location of Incident: § 87(2)(b)	18 Mo. SOL 10/2/2021	Precinct: 46		
Date/Time CV Reported Thu, 08/15/2019 4:17 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/15/2019 4:17 PM		
Complainant/Victim	Type	Home Address			
Subject Officer(s)	Shield	TaxID	Command		
1. POM Brendan Murphy	13053	955237	046 PCT		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. POM Leslie Kwashie	23947	967153	046 PCT		
Officer(s)	Allegation		Investigator Recommendation		
A.POM Brendan Murphy	Abuse: Police Officer Brendan Murphy threatened to arrest § 87(2)(b)				

Case Summary

On August 15, 2019, § 87(2)(b) filed the following complaint with the CCRB (Board Review 01).

On August 15, 2019, at approximately 10:45 AM, at her apartment building at § 87(2)(b) in the Bronx, § 87(2)(b) was involved in a dispute with a neighbor who threatened to harm her. When § 87(2)(b) called 911 to report the threat, PO Brendan Murphy and PO Leslie Kwashie of the 46th Precinct responded to the scene. § 87(2)(b) gave the officers her account of the threat. PO Murphy allegedly called § 87(2)(b) a liar and told her he would “have [her] arrested for a false complaint” (**Allegation A: Abuse of Authority – Threat of Arrest – § 87(2)(g)**). The officers ultimately prepared a complaint report for § 87(2)(b) and left the scene without taking any further action. The incident did not result in a summons or arrest.

The incident was partially captured on PO Murphy’s and PO Kwashie’s body-worn cameras (BWCs) (Board Review 05-07).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Brendan Murphy threatened to arrest

§ 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on August 19, 2019 (Board Review 02). PO Murphy was interviewed at the CCRB on October 18, 2019 (Board Review 03). PO Kwashie was interviewed at the CCRB on January 6, 2019 (Board Review 04).

It is undisputed that on August 15, 2019, at about 10:45 AM, PO Murphy and PO Kwashie responded to § 87(2)(b) 911 call, interviewed her about the threat she reported, and prepared a complaint report. At issue is whether PO Murphy threatened to arrest § 87(2)(b) during the course of the encounter.

§ 87(2)(b) stated that she called 911 at about 10:30 AM after her neighbor § 87(2)(b) – who had been harassing her for several weeks – suddenly appeared outside her first-floor window and threatened to kill her. Shortly thereafter, § 87(2)(b) met PO Murphy and PO Kwashie outside the building and told them about what § 87(2)(b) had done. § 87(2)(b) asked the officers to prepare a report. However, without questioning her any further, or attempting to speak with § 87(2)(b) PO Murphy told § 87(2)(b) that she was lying and stated, “When I check the cameras and see that you are lying, I will have you arrested for a false complaint.” After § 87(2)(b) insisted that the officers document her complaint, they prepared a report and eventually left the scene without reviewing any video surveillance footage and without conducting a further investigation.

PO Murphy stated that when he and PO Kwashie arrived at the scene, they first happened to be approached by the building superintendent who informed them that § 87(2)(b) was involved in a longstanding dispute with another resident, and that the parties had called the police in the past. When § 87(2)(b) came downstairs, she advised that her neighbor had threatened to kill her about fifteen minutes earlier, and that she had been harassed by this individual for some time. § 87(2)(b) wanted the officers to arrest the alleged offender. PO Murphy informed § 87(2)(b) that he was not able to arrest § 87(2)(b) because he had not personally observed the alleged threats and harassment. PO Kwashie then went on to prepare a complaint report for § 87(2)(b) and the officers left without further incident. PO Murphy doubted the veracity of § 87(2)(b) account,

but he did not recall if he articulated this doubt to § 87(2)(b) in any manner and denied telling her that she was not being truthful. Neither PO Murphy nor PO Kwashie threatened to arrest § 87(2)(b) at any point. PO Murphy did not believe that § 87(2)(b) said or did anything that constituted an arrestable offense.

PO Kwashie recalled nothing notable about PO Murphy's interaction with § 87(2)(b). PO Kwashie did not recall having any concerns regarding § 87(2)(b)'s credibility and did not recall PO Murphy expressed anything to the same effect. PO Kwashie did not recall PO Murphy threatening to arrest § 87(2)(b).

Neither officers' BWCs recorded the time-frame in which the alleged threat of arrest is said to have occurred: the footage shows PO Murphy deactivating his camera as § 87(2)(b) begins to tell him about her complaint, and PO Kwashie does the same at PO Murphy's direction (Board Review 05-07). PO Murphy stated that he deactivated his BWC upon finding that the reported crime was no longer in progress and that the alleged offender was no longer present. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) is a party to one other CCRB complaint in which she was a victim in one allegation (Board Review 09).
 - § 87(2)(b)
- PO Murphy has been a member of service for six years and has been a subject in six CCRB complaints and 17 allegations, of which one was substantiated:
 - Case number 201902127 involved a substantiated allegation of failure to provide RTKA card. The Board recommended Command Level Instructions and the NYPD has not yet imposed discipline.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of January 2, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 02

Investigator:

Signature

Print Title & Name

Date

Squad Leader:

Signature

Print Title & Name

Date